IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 12840 of 2004

Between:

Siriyapureddy Raja Mohan Reddy, s/o Chinnapu Reddy,
r/o D.No.4/554, Pedda Cheepadu (V&P), Chapadu Mandal, Proddatur Taluq,
Kadapa District.

..... PETITIONER

AND

The Managing Director, Alladupalle Formers Service Co.operative Society Ltd.,
Chapadu, Chapadu Mandal, Proddatur Taluq, Kadapa District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, particularly one in the nature of writ of mandamus, declaring the action of the respondents threatening the petitioner to evict the premises of the house (varanda) orally on or before 23-07-2004 without giving any notice or opportunity, as wholly illegal, arbitrary, unjust and contrary to law and also violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondent to continue the petitioner in the said premises until further accommodation is available and pass

Counsel for the Petitioner:Smt.B.MALLESWARI

Counsel for the Respondent No.:

The Court at the admission stage made the following :

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No. 12840 of 2004

ORAL ORDER:

The petitioner claims to be in occupation of a portion of godown belonging to the respondent Society with the oral permission granted by late Thappela Devaiah, the then President of the Society. It is stated that he has been in possession and enjoyment of the same since March, 2001 and has been running a provisions shop. It is claimed that he has spent about Rs.50,000/- for making it fit for running the shop. It is alleged that now at the instance of some persons who are inimically disposed towards him, the respondent is pressurizing him to vacate the premises. Though he filed a civil suit, the same was returned on certain objections as to the maintainability. Hence, this Writ Petition seeking a Writ of Mandamus declaring the action of the respondent Society in threatening to vacate the premises in question is arbitrary and illegal.

Heard the learned Counsel for the petitioner.

On the face of it, the matter does not involve enforcement of any legal right or statutory obligation, which is a condition precedent to maintain an application under Article 226 of the Constitution of India. Hence the Mandamus as prayed for cannot be issued.

Accordingly, the Writ Petition is dismissed granting leave and liberty to the petitioner to work out appropriate remedy as available under law. No costs.

23.07.2004

bud/tsnr

To

1.The Managing Director,

Alladupalle Formers Service

Co-operative Society Ltd.,

Chapadu, Chapadu Mandal,

Proddatur Taluq,

Kadapa District.

2. 2 C.D.Copies.